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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: WAYNE J. MYER & BLAINE M. KELLEY  
For: APPARATUS AND PROCESS FOR MAKING A CORRUGATION-FREE FOAM  
Serial No.: 10/063,186 Examiner: Angela Y. Ortiz  
Filed: March 28, 2002 Group Art Unit: 1732  
Docket No.: 70254-0347

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))	
I hereby certify that this correspondence is, on the date shown below, being:	
<input type="checkbox"/> deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner of Patents, Washington, DC 20231.	<input checked="" type="checkbox"/> transmitted by facsimile to the Patent and Trademark Office, Mail Stop Issue Fee: 703-872-0308.
Date: January 11, 2004	Signature: <u>Andrea R. Jacobson</u> Andrea R. Jacobson (type or print name of person certifying)

Mail top Issue Fee  
Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Sir:

Applicants request that the Commissioner withdraw the holding of abandonment in this case and issue the application as a U.S. patent.

**Relevant Facts**

A Notice of Allowance and Fee(s) Due was mailed by the U.S. Patent and Trademark Office in this matter on December 18, 2003. Accordingly, the three month deadline for paying the fee(s) expired on March 18, 2004.

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On January 22, 2004, Applicants submitted, via facsimile, Part B - Fee(s) Transmittal. The Commissioner was authorized to charge the required fee(s) to deposit account number 50-2003.

On January 22, 2004, Applicants received an Auto-Reply Facsimile Transmission from the USPTO confirming receipt of the Part B - Fee(s) Transmittal.

On April 20, 2004, the undersigned attorney received a telephone call from Examiner Ortiz stating that the above-identified patent application was being withdrawn from issue.

On June 8, 2004, the undersigned attorney discussed the claims with Examiner Ortiz via telephone. Amendments to the claims were filed via facsimile on June 9, 2004.

A Notice of Allowance and Fee(s) Due was mailed by the U.S. Patent and Trademark Office in this matter on June 17, 2004. Accordingly, the three month deadline for paying the fee(s) expired on September 17, 2004. The Total Fee(s) Due was listed as \$0 on the Notice.

On July 7, 2004, Applicants submitted, via facsimile, Comments on Statement of Reasons for Allowance and the Part B - Fee(s) Transmittal. The Commissioner was authorized to charge any required fee(s) to deposit account number 50-2003.

On January 3, 2005, a Notice of Abandonment was issued by the Patent and Trademark Office for failure to timely pay the issue fee.

#### REMARKS

Applicant respectfully submits that the issue fee and publication fee were timely paid, and encloses herewith the following:

- Exhibit A Executed Comments on Statement of Reasons for Allowance Part B - Fee(s) Transmittal with Applicants' facsimile transmission confirmation dated July 7, 2004.
- Exhibit B Statement executed by Andrea R. Jacobson attesting that the issue fee was timely submitted to the Patent and Trademark Office.

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Wherefore, Applicant respectfully submits that his application be reinstated and issued as a U.S. patent. Any questions concerning the foregoing should be directed to the undersigned.

Respectfully submitted,

WAYNE J. MYER AND BLAINE M. KELLEY

Dated: 1/11/04

By: 

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